



## *Sheriffs & Peace Officers Association*

June 20, 2011

To: Law and Justice Interim Committee.  
Fr: Jim Smith, MSPOA (Sheriffs) & MCAA  
(County Attorneys).  
Re: Medical Marijuana.

Good afternoon members of the Law and Justice Interim Committee.

My name is Jim Smith. I am a Helena lobbyist. I represent the Montana Sheriffs and Peace Officers Association and the Montana County Attorneys Association. Thanks very much for the invitation today and the opportunity to share a few thoughts with the Law & Justice Interim Committee on the implementation of SB 423, the revision of the Montana medical marijuana law.

The fact is I have not heard much of anything from local law enforcement agencies since the end of April and the enactment of SB 423. The sheriffs and county attorneys I work for are pretty busy these days with the usual murder and mayhem; partner family member assaults, involuntary commitments; not to mention the recent floods, abandoned livestock, graduation keggers, highway crashes, and all the rest.

I think it's a little early for anyone to be commenting on how the revised law is working out in practice around Montana. I believe that it's a little early to be making generalizations about what is going on around the state; or to be forming conclusions about how well the new law is working.

The Sheriffs and County Attorneys worked over the last interim and during the 62<sup>nd</sup> Session to establish a 'clear, bright line' between what is legal and what is illegal when it comes to medical marijuana. The Children and Families Interim Committee was very receptive to that request during the last interim; and so was the 62<sup>nd</sup> Session generally. I believe that every major bill dealing with medical marijuana attempted to address the concerns of local and state law enforcement.

However, with perfect 20/20 hindsight; having been involved in the debates in the 2011 Session; and having witnessed or participated in the events of last winter, it's probably fair to say that the sheriffs and county attorneys were somewhat naïve in thinking that the 'clear, bright line' could ever be established in the current environment.

Law and Justice Interim Committee Meeting  
June 21, 2011

As Powell County Attorney Lewis K. Smith said in testimony last (2009) Session: "how do we deal with a substance that is at once legal and illegal?"

That is still the situation faced by local and state law enforcement agencies in Montana.

When the invitation came to be here today I contacted the sheriffs and county attorneys and asked them what they are seeing in their counties. I asked them a number of questions.

I've included the memo I sent on June 7<sup>th</sup> and the questions I posed to them in this presentation. I'd appreciate it a great deal if the Committee would look over the questions I've asked; and let us know whether or not these are the questions you have, or if these are the areas you are interested in? Also, what else? What other information will you be looking to local law enforcement for as this interim progresses?

The elected officials I represent want to work with the Legislature over the interim. We appreciate the opportunity to make these comments today.

June 7, 2011

To: MSPOA & MCAA Boards of Directors  
Fr: Jim Smith

Re: Law & Justice Meeting June 21<sup>st</sup>.

Good Afternoon....

The Law & Justice Interim Committee is holding its first meeting on Tuesday, June 21<sup>st</sup>. The Agenda for this meeting, and other materials for the Interim Committee can be seen by clicking on [agenda and meeting materials](#), below.

You'll see that the LJIC would like an update on medical marijuana; and the Committee would like to hear from local law enforcement regarding any concerns you may have at this time. That update is scheduled for 2:45 pm on June 21<sup>st</sup>.

Senator Shockley called yesterday and informed me of the Committee's interest and asked me to check with you all. I've been thinking about his request, and with that in mind, would pose the following questions for your consideration:

1. Are the small, medium or large grow operations in your counties shutting down their operations, or preparing to do so?

2. If there are storefronts or dispensaries in your counties, are they getting ready to cease operating by July 1st?
3. Are local law enforcement agencies preparing to receive and destroy medical marijuana on July 1st?
4. Are local law enforcement agencies preparing to take enforcement actions against individuals or businesses not in compliance with the law, as of July 1st.
5. Have you noticed or observed any changes in people's behaviors, habits, attitudes, etc. since passage of SB 423 at the end of April?
6. What preparations, if any, are you making in order to be sure the new law (SB 423) is implemented in your county?
7. Have you been contacted by any federal officials regarding the medical marijuana situation in your county?
8. What degree of coordination routinely takes place between the Sheriff, the County Attorney, Drug Task Forces operating in your counties, tribal law enforcement, federal law enforcement?
9. Will these agencies be working together on the new law??

Also, in today's paper Rep. Diane Sands is quoted saying that the state of Montana ought to formally request that the federal govt. 'de-list' marijuana from the Schedule I list of dangerous drugs. Would you support such a request.

10. Would you approve or deny such a request if you were in charge of the DEA?

Would any of you be interested in or willing to come to Helena on June 21st and make whatever comments you'd care to from your perspective as a Sheriff or County Attorney?

Your responses to any or all of these questions will be most welcome....Please let us hear from you as we begin putting together a presentation for the June 21st meeting of the LJIC. Thanks in advance.

Jim smith